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**Mont. LBF 1. APPLICATION TO APPROVE EMPLOYMENT OF PROFESSIONAL;
AND AFFIDAVIT.**

[Mont. LBR 2014-1]

Name of Trustee/Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number [If an attorney]

Specific Identity of Party Represented (e.g., Attorney for _____)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____
)
)
Debtor(s).)

APPLICATION TO APPROVE EMPLOYMENT OF PROFESSIONAL; AND AFFIDAVIT

The Application of [trustee or debtor in possession] respectfully represents:

1. On the ____ day of _____, 20__, Debtor(s) filed a petition under Chapter ____ of the Bankruptcy Code.

2. [Trustee or debtor in possession] wishes to employ _____,
("Professional") in the capacity of an: _____. [E.g., attorney, accountant, etc.]

3. Applicant has selected **Professional** for the following reasons: (State reasons for the selection).

4. The professional services that **Professional** is to render include: (State services to be rendered.)

5. To the best of Applicant's knowledge, **Professional** has no connection with the creditors, or any other party in interest, or their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, and is a "disinterested person" as defined in 11 U.S.C. 101(14) except: (State any exceptions.)

6. The terms of employment of **Professional**, agreed to by the [trustee or debtor in possession], subject to the approval of the Court are: (State terms of employment, to include but not limited to the name and hourly rate of each professional to be employed; the name and hourly rate of each paraprofessional which may perform services; and the amount of any retainer paid.)

7. **Professional** represents no interest adverse to [trustee or debtor in possession] or the estate in the matters upon which **Professional** is to be engaged, and **Professional's** employment would be in the best interest of this estate.

WHEREFORE, [trustee or debtor in possession] prays that **the Court approve**

Professional's employment under the terms specified herein.

Dated this ____ day of _____, 20__.

Name of Trustee/Attorney

AFFIDAVIT OF PROPOSED PROFESSIONAL

STATE OF MONTANA)
 :
County of _____)

[Name of person to be employed], being duly sworn upon [his/her] oath, deposes and states:

1. I am an [capacity of person to be employed and association with firm, if appropriate].
2. I [and firm of which professional is a member, if appropriate] have no connections with the Debtor, creditors, or any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee; and I [and firm of which professional is a member, if appropriate] am a "disinterested person" as defined in 11 U.S.C. § 101(14). [State any exceptions.]
3. I [and firm of which professional is a member, if appropriate] represent no interest adverse to the Debtor or the estate in the matters upon which I [and firm of which professional is a member, if appropriate] am to be engaged.

4. I have received a general retainer in the amount of \$_____, which shall not be used to pay my compensation or for reimbursement of my expenses without prior approval of this Court.

[Name of Professional]

Subscribed and sworn to before me this ____ day of _____, 20____.

(Notary Seal)

Notary Public for the State of Montana

Residing At: _____

My Commission Expires: _____

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing Application to Approve Employment of Professional; and Affidavit, was sent by first class mail postage prepaid on the ____ day of _____, 20____, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. Any committee and/or other parties in interest requesting special notice should also be served with this Application.]

Mont. LBF 2. NOTICE OF WITHDRAWAL AS TEMPORARY COUNSEL FOR DEBTOR(S); WITH NO CHANGE IN ORIGINAL ATTORNEY FOR DEBTOR(S).

[Mont. LBR 2090-5(c)]

Name of Attorney

Office Mailing Address

Telephone Number

E-Mail Address

State Bar I.D. Number

(Attorney for Debtor(s))

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

**NOTICE OF WITHDRAWAL AS TEMPORARY COUNSEL FOR DEBTOR(S);
WITH NO CHANGE IN ORIGINAL ATTORNEY FOR DEBTOR(S)**

The undersigned attorney temporarily represented the above-named Debtor(s) at a [court hearing / § 341(a) meeting of creditors] held on the ____ day of _____, 20 _____. Prior to representing the Debtor(s) at such [hearing / creditors' meeting], pursuant to Mont. LBR 2090-5(c), I filed an attorney's disclosure statement as required by Rule 2016(b), F.R.B.P., regardless of whether or not I accepted compensation for such representation. I hereby provide this notice that I am withdrawing from further representation of the Debtor(s) in all other matters or proceedings in connection with this case. My withdrawal is effective immediately.

DATED this ____ day of _____, 20 ____.

Name of Attorney

Mont. LBF 3. ATTORNEY RETENTION AGREEMENT (CHAPTER 7)

[Borrow this form from Idaho and modify Chapter 13 model agreement.]

Mont. LBF 3-A. ATTORNEY RETENTION AGREEMENT (CHAPTER 13)

[Form from Idaho]

MODEL RETENTION AGREEMENT

**Rights and responsibilities agreement between
Chapter 13 Debtors and their Attorneys**

**United States Bankruptcy Court
District of Montana**

Chapter 13 gives debtors important rights, such as the right to keep property that could otherwise be lost through repossession or foreclosure – but Chapter 13 also puts burdens on debtors, such as the burden of making complete and truthful disclosures of their financial situation. It is important for debtors who file a Chapter 13 bankruptcy case to understand their rights and responsibilities in bankruptcy. In this connection, the advice of an attorney is crucial. Debtors are entitled to expect certain services will be performed by their attorneys, but debtors also have responsibilities to their attorneys. In order to assure that debtors and their attorneys understand their rights and responsibilities in the Chapter 13 process, the Bankruptcy Court for the District of Montana has approved the following agreement, setting out the rights and responsibilities of both debtors in Chapter 13 and their attorneys. By signing this agreement, debtors and their attorney accept these responsibilities.

I. BEFORE THE CASE IS FILED

A. THE DEBTOR AGREES TO:

1. Discuss with the attorney the debtor's objectives in filing the case.
2. Provide the attorney with full, accurate and timely information, financial and otherwise, including properly documented proof of income.

B. THE ATTORNEY AGREES TO:

1. Personally counsel the debtor regarding the advisability of filing either a Chapter 13 or a Chapter 7 case, discuss both procedures (as well as non-bankruptcy options) with the debtor, and answer the debtor's questions.
2. Personally explain to the debtor that the attorney is being engaged to represent the debtor on

all matters arising in this case, as required by Local Bankruptcy Rule and explain how and when the attorney's fees and the trustee's fees are determined and paid.

3. Review with the debtor and sign the completed petition, plan, statements, and schedules, as well as all amendments thereto, whether filed with the petition or later.

4. Timely prepare and file the debtor's petition, plan, statements, and schedules.

5. Explain to the debtor how, when, and where to make all necessary payments, including both payments that must be made directly to creditors and payments that must be made to the Chapter 13 trustee, with particular attention to housing and vehicle payments.

6. Advise the debtor of the need to maintain appropriate insurance.

II. AFTER THE CASE IS FILED

A. THE DEBTOR AGREES TO:

1. Make the required payments to the trustee and to whatever creditors are being paid directly, or, if required payments cannot be made, to notify the attorney immediately.

2. Appear at the meeting of creditors (also called the "§ 341(a) meeting") with recent proof of income, picture identification, and proof of the debtor's social security number, and any other required information.

3. Notify the attorney and the trustee of any change in the debtor's address or telephone number.

4. Inform the attorney of any wage garnishment, levies, liens or repossessions of or on assets that occur or continue after the filing of the case.

5. Contact the attorney immediately if the debtor loses employment, has a significant change in income, or experiences any other significant change in financial situation (such as serious illness, lottery winnings, or an inheritance.)

6. Notify the attorney if the debtor is sued or wishes to file a lawsuit (including divorce.)

7. Provide the attorney and the trustee with copies of income tax returns, and provide the trustee with any refunds received, as required by the Court's Income Tax Order. Inform the attorney if any tax refunds to which the debtor is entitled are seized or not received when due from the IRS, the State of Montana, or other entities.

8. Contact the attorney before buying, refinancing or selling any property, real or personal, and before entering into any loan agreement.

9. Cooperate with the attorney and the trustee in regard to questions about the allowance or disallowance of claims.

B. THE ATTORNEY AGREES TO:

1. Advise the debtor of the requirement to attend the meeting of creditors, and notify the debtor of the date, time, and place of that meeting.

2. Inform the debtor that the debtor must be punctual and, in the case of a joint filing, that both spouses must appear at the same meeting.

3. Provide knowledgeable legal representation for the debtor at the § 341(a) meeting of creditors and at any motion hearing, plan confirmation hearing, and/or plan modification hearing.

4. If the attorney finds it necessary for another attorney to appear and attend the § 341(a) meeting or any court hearing, personally explain to the debtor, in advance, the role and identity of the other attorney and provide the other attorney with the file in sufficient time to review it and properly represent the debtor.

5. Ensure timely submission to the trustee of properly documented proof of income for the debtor, including business reports for self-employed debtors.

6. Timely respond to objections to plan confirmation and, where necessary, prepare, file, and serve an amended plan.

7. Timely prepare, file, and serve any necessary amended statements and schedules and any change of address, in accordance with information provided by the debtor.

8. Be available to respond to the debtor's questions throughout the term of the plan.

9. Prepare, file, and serve timely modifications to the plan after confirmation, when necessary, including modifications to suspend, lower, or increase plan payments.

10. Prepare, file, and serve necessary motions to buy or sell property and to incur debt.

11. Evaluate claims which are filed and, where appropriate, object to filed claims.

12. Timely respond to the trustee's motion to dismiss the case, such as for payment default, or unfeasibility, and to motions to increase the payments into the plan.

13. Timely respond to motions for relief from stay.

14. Prepare, file, and serve all appropriate motions to avoid liens, if not included in the plan.

15. Provide any other legal services necessary for the administration of this case before the bankruptcy court.

ALLOWANCE AND PAYMENT OF ATTORNEYS' FEES

Any attorney retained to represent a debtor in a Chapter 13 case is responsible for representing the debtor on all matters arising in the case, unless otherwise ordered by the court. For such services, as set forth above, the attorney will be paid a fixed fee of \$_____ (exclusive of court filing fees).

In extraordinary circumstances, the attorney may apply to the court for additional compensation. Any such application must be accompanied by an affidavit of the attorney, and include an itemization of the services rendered, showing the date, the time expended, the identity of the attorney or other person performing the services, the rate(s) charged, and the total amount sought. Such an application must be set for a hearing before the court. The debtor must be served with a copy of the application, affidavit, and notice of hearing, and advised of the right to appear in court to comment on or object to such application. The debtor is hereby informed that, in the event of such a request, fees shall be calculated or claimed at the following rate(s):
_____.

The attorney may receive some portion of the described fixed fee before the filing of the case. The attorney may not receive payment on the fee directly from the debtor after the filing of the case, but must receive any remaining portion of such fee through the plan. In addition to other disclosures required by the Rules, the attorney shall disclose, in any application for additional fees, any and all fees previously paid by the debtor.

If the debtor disputes the sufficiency or quality of the legal services provided or the amount of the fees charged by the attorney, including this fixed fee, the debtor may file an objection with the court and request a hearing.

If the attorney believes that the debtor is not complying with the debtor's responsibilities under this agreement or is otherwise not engaging in proper conduct, the attorney may apply for an order allowing the attorney to withdraw from the case.

The debtor may discharge the attorney at any time.

/s/ _____ Date: _____
Debtor

/s/ _____ Date: _____
Joint Debtor (if applicable)

/s/ _____ Date: _____
Attorney for Debtor(s)

Mont. LBF 4. DEBTOR'S NOTICE OF AMENDMENT TO SCHEDULES

[Mont. LBRs 1007-2(a)(3); 1009-1, 3 and 4; and 9009-1]

Name of Attorney
Office Mailing Address
E-mail Address
Telephone Number
Facsimile Number
State Bar I.D. Number
(Attorney for Debtor)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

DEBTOR'S **NOTICE OF AMENDMENT TO** SCHEDULES

The Debtor provides this notice of the amendment of the following Schedules:

Amended Schedule(s) _____ to [add/delete/change] the following
[property/creditor(s)/entries]:

Copies of revised schedules and the summary of assets, liabilities, and exemptions are attached hereto, together with a certificate of service verifying that a copy of the amended list or schedule, the Notice of Bankruptcy Case, Meeting of Creditors, and Deadlines, any order of discharge, any other document filed that affects an added creditor's rights, and any notice or order setting or extending any deadlines for filing claims or complaints for determining dischargeability or exceptions to discharge, have been mailed to the added creditor(s).

The reason for this amendment is as follows:

The date for filing objections to discharge is:

DATED this ____ day of _____, 20 ____.

[Name of attorney]
(Attorney for _____)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Debtor's Notice of Amendment to Schedules** was sent by first class mail postage prepaid on the ____ day of _____, 20 ____, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

All affected creditors and any parties in interest requesting special notice should be served with this Notice.]

Mont. LBF 5. APPLICATION FOR CONTINUANCE OF § 341(a) MEETING OF CREDITORS.

[Mont. LBR 2003-4]

Name of Debtor/Attorney
Office Mailing Address
E-mail Address
Telephone Number
Facsimile Number
State Bar I.D. Number [If an attorney]
(Attorney for Debtor(s)) [If applicable]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

APPLICATION FOR CONTINUANCE OF § 341(a) MEETING OF CREDITORS

The undersigned makes application to the Office of United States Trustee for a continuance of the § 341(a) meeting of creditors in the above-entitled case which is presently scheduled for the ____ day of _____, 20____, at the hour of ____ o'clock, __.m. The circumstances necessitating a continuance are as follows:

DATED the ____ day of _____, 20____.

Debtor(s)/Attorney for Debtor(s)

[This Application is to be submitted only to the Office of the United States Trustee and is not to be filed with the Court.]

**Mont. LBF. 5-A. DISPOSITION OF APPLICATION FOR CONTINUANCE OF
§ 341(a) MEETING.**

[Mont. LBR 2003-4]

Name of Attorney
Office Mailing Address
E-mail Address
Telephone Number
State Bar I.D. Number
Attorney for United States Trustee

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re) Case No.
)
Debtor(s).)

DISPOSITION OF APPLICATION FOR CONTINUANCE OF § 341(a) MEETING

The Application for Continuance of § 341(a) Meeting of Creditors is:

GRANTED _____ DENIED _____.

If granted, the § 341(a) meeting for the above-entitled case shall be continued until the _____ day of _____, 20____, at the hour of _____ o'clock, __.m. Pursuant to Mont. LBR 2003-4, the Debtor or Debtor's attorney must notify all creditors, the trustee and other parties in interest, in writing using Mont. LBF 6, of the continuance and the new § 341(a) meeting date at least seven (7) days prior to the date of the originally scheduled § 341(a) meeting. Proof of service of the Notice of Continuance must be filed with the **Clerk of Court** and the Office of United States Trustee pursuant to Mont. LBR 9013-1(c).

DATED this ____ day of _____, 20____.

Office of United States Trustee

Mont. LBF 6. NOTICE OF CONTINUANCE OF § 341(a) MEETING OF CREDITORS.
[Mont. LBR 2003-4]

Name of Attorney
Office Mailing Address
E-mail Address
Telephone Number
Facsimile Number
State Bar I.D. Number
(Attorney for Debtor(s))

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

NOTICE OF CONTINUANCE OF § 341(a) MEETING OF CREDITORS

On the application of the Debtor(s) in the above-entitled case, notice is hereby given of the continuance of the § 341(a) meeting of creditors which is presently scheduled for the ____ day of _____, 20 __, at the hour of ____ o'clock __.m. For good cause, the Office of United States Trustee has granted a continuance of such meeting, and the § 341(a) meeting of creditors in this case shall now be held on the ____ day of _____, 20 __, at the hour of ____ o'clock, __.m., at the location checked below:

- _____ Third Floor Courtroom, Federal Building, 215 1st Avenue North, Great Falls, Montana
- _____ **3rd Floor, Mike Mansfield Federal Building and Courthouse**, 400 No. Main, Butte, Montana
- _____ Fifth Floor Courtroom, Federal Building, 316 North 26th St., Billings, Montana
- _____ 201 East Broadway, Russell Smith Federal Building, Missoula, Montana
- _____ The Community Room of the Justice Center, 920 S. Main, Kalispell, Montana

DATED this ____ day of _____, 20 __.

Debtor(s)/Attorney for Debtor(s)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing Notice of Continuance of § 341(a) Meeting of Creditors was sent by first class mail postage prepaid on the ____ day of _____, 20____, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. This Notice of Continuance must be served upon all creditors and other parties requesting special notice.]

**Mont. LBF 7. TRUSTEE'S NOTICE OF DEBTOR'S FAILURE TO APPEAR AT
§ 341(a) MEETING OF CREDITORS.**

[Mont. LBR 2003-7]

Name of Trustee/Attorney
Office Mailing Address
E-mail Address
Telephone Number
State Bar I.D. Number [If an attorney]
Trustee

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

TRUSTEE'S NOTICE OF DEBTOR'S FAILURE TO APPEAR AT §341(a)
MEETING OF CREDITORS, AND REQUEST FOR DISPOSITION

The undersigned trustee hereby notifies the Court pursuant to Mont. LBR 2003-7 that the
following named Debtor(s) failed to appear at the scheduled § 341(a) meeting of creditors:

_____. (If a joint petition was filed and one debtor appeared and
one failed to appear, only the absent debtor is listed.)

_____ The trustee requests that the absent Debtor's case remain open and the
Debtor be ordered to appear and be examined at a continued § 341(a) meeting of
creditors.

_____ The trustee requests that the absent Debtor's case be dismissed, and if a
joint petition was filed that the case be bifurcated and the absent Debtor's case be
dismissed.

DATED this ____ day of _____, 20 ____.

Trustee

Mont. LBF 7-A. ORDER OF DISPOSITION.

[Mont. LBR 2003-7]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

ORDER

At Butte in said District this ____ day of ____, 20__.

Pursuant to the Trustee's Notice of Debtor's Failure to Appear at § 341(a) Meeting of Creditors, and Request for Disposition, and good cause appearing therefore,

IT IS HEREBY ORDERED:

____ The following named Debtor(s) shall appear and be examined by the trustee at a continued § 341(a) meeting of creditors, following proper notice to creditors and other parties in interest: _____.

____ The above-entitled case is dismissed due to the Debtor's failure to appear at the scheduled § 341(a) meeting of creditors.

____ The above-entitled joint case is bifurcated and the case of _____ is dismissed for failure of such Debtor to appear at the scheduled § 341(a) meeting of creditors.

BY THE COURT:

HON. _____
U.S. Bankruptcy Judge
United States Bankruptcy Court
District of Montana

Mont. LBF 8. MOTION TO MODIFY STAY; AND NOTICE

[Mont. LBR 4001-1(a)]

Name of Attorney

Office Mailing Address

E-mail Address

Telephone Number

Facsimile Number

State Bar I.D. Number

Specific Identity of Party Represented (e.g., Attorney for _____)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____
)
)
Debtor(s).)

MOTION TO MODIFY STAY; AND NOTICE

The Motion of _____ (“Creditor”) respectfully represents:

1. The Debtor(s) filed a Petition in this Court under Chapter ____ of the Bankruptcy Code
on the ____ day of _____, 20 ____.

2. Creditor is the holder of a secured claim against the Debtor(s), and pursuant to Mont.

LBR 4001-1, provides the following information:

- (a) The present balance owing to Creditor, excluding any precomputed interest or other unearned charges, is \$ _____ .
- (b) The date upon which the subject debt was incurred was _____ .
- (c) Creditor holds a security interest or lien upon the following described property of the estate:
- (d) The nature of Creditor’s security interest, the date upon which the security

interest was obtained, and the date upon which the security interest was perfected are as follows: _____

Creditor has attached copies of all security agreements, financing statements, titles, and other perfection documents necessary to prove the validity of its security interest to its Proof of Claim on file herein, as required by Mont. LBR 4001-1; or if no Proof of Claim has been filed, such documents are attached to this Motion.

(e) A description of Creditor's collateral, including its location, is as follows:

(f) The fair market value of Creditor's collateral is \$ _____.

(g) A description of, and the amounts due upon, any other security interests which have priority over that of Creditor are as follows:

(h) If the Debtor is in default, the number of defaulted installments and the total amount in default are as follows:

(i) This Motion is made under and pursuant to the following subsection of 11 U.S.C. § 362: _____.

(j) Other facts which are relevant in determining whether relief should be granted are as follows:

3. Creditor further represents that in the event the Court grants this Motion, Creditor will seek foreclosure and liquidation of the above-described collateral in accordance with applicable nonbankruptcy law. Upon disposition of such collateral, Creditor will account for all proceeds to the Court, and trustee, if applicable, and agrees to turn over any proceeds in excess of Creditor's allowed secured claim to the Court, and trustee, if applicable.

WHEREFORE, Creditor moves the Court to grant this Motion to Modify Stay, and to grant such other relief as the Court may deem appropriate.

DATED this ____ day of _____, 20__.

[Name of attorney]
(Attorney for _____)

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The objecting party shall schedule the hearing and shall include in the caption of the responsive pleading **in bold and conspicuous print** the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

This contested matter shall be scheduled for hearing for the next hearing date scheduled in the division within which the case is filed. The date, time and location of the hearing can be obtained from the Clerk of Court or from the Court's website at www.mtb.uscourts.gov. In the event such scheduled hearing date is thirty (30) days beyond the filing date of the motion for relief, then a preliminary hearing within such thirty (30) day period shall be scheduled by the responding party after such party contacts the Clerk of Court to confirm the preliminary telephone hearing date and time, which shall be set forth in the response.

If you fail to file a written response to the above Motion to Modify Stay with the particularity required by Mont. LBR 4001-1(b), and request a hearing, within ten (10) days of the date of this Notice, with service on the undersigned and all parties entitled to service under all applicable rules, then your failure to respond or to request a hearing will be deemed an admission that the motion for relief should be granted without further notice or hearing.

DATED this ____ day of _____, 20__.

[Name of Attorney}
(Attorney for Creditor)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing Motion to Modify Stay and Notice was sent by first class mail postage prepaid on the ____ day of _____, 20____, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. In a chapter 7, 12 or 13 case, parties who must be served include the debtor and any party requesting special notice. In a chapter 9 or 11 case, the motion should be served upon any committee appointed under the Code or its authorized agent, or, if no committee has been appointed, upon all creditors listed under Rule 1007(d), F.R.B.P.]

Mont. LBF 8-A. ORDER GRANTING MOTION TO MODIFY STAY.

[Mont. LBR 4001-1(b)]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

ORDER GRANTING MOTION TO MODIFY STAY

At Butte in said District this ____ day of ____, 20__.

In this Chapter ____ bankruptcy, [name of creditor], as the Movant, filed a Motion to Modify Stay on [month, date], 20__. As required by Mont. LBR 9013-1(d), the Movant's motion provided a "NOTICE" provision which granted the opposing party ten (10) days to respond to the motion and schedule the matter for hearing. The "NOTICE" provided that "[I]f no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted." The ten day period has expired and ____ has not filed a response to the Motion to Modify Stay. In accordance with the Notice provision attached to the Movant's motion, the failure of ____ to respond is deemed an admission that the Movant's motion should be sustained without further notice or hearing. Accordingly,

IT IS ORDERED the Movant's Motion to Modify Stay is GRANTED.

BY THE COURT:

HON. _____
U.S. Bankruptcy Judge

United States Bankruptcy Court
District of Montana

Mont. LBF 8-B. STIPULATION TO MODIFY STAY.

[Mont. LBR 4001-1(d)]

Name of Attorney/Party

Office Mailing Address

E-mail Address

Telephone Number

Facsimile Number

State Bar I.D. Number [If an attorney]

Specific Identity of Party Represented (e.g., Attorney for _____) [If applicable.]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____
)
)
Debtor(s))

STIPULATION TO MODIFY STAY

The undersigned Creditor, _____ (“Creditor”), the above-named Debtor(s), and the trustee, if applicable, hereby stipulate as follows:

1. The Debtor(s) filed a Petition in this Court under Chapter ____ of the Bankruptcy Code on the ____ day of _____, 20__.

2. Creditor is the holder of a secured claim against the Debtor(s), and pursuant to Mont.

LBR 4001-1, provides the following information:

- (a) The present balance owing to Creditor, excluding any precomputed interest or other unearned charges, is \$ _____.
- (b) The date upon which the subject debt was incurred was _____.
- (c) Creditor holds a security interest or lien upon the following described property of the estate:

- (d) The nature of Creditor's security interest, the date upon which the security interest was obtained, and the date upon which the security interest was perfected are as follows:

(Creditor has attached copies of all security agreements, financing statements, titles, and other perfection documents necessary to prove the validity of its security interest to its Proof of Claim on file herein, as required by Mont. LBR 4001-1; or if no Proof of Claim has been filed, such documents are attached to this Stipulation.)

- (e) A description of Creditor's collateral, including its location, is as follow
- (f) The fair market value of Creditor's collateral is \$ _____.
- (g) A description of, and the amounts due upon, any other security interests which have priority over that of Creditor are as follows:
- (h) If the Debtor(s) is in default, the number of defaulted installments and the total amount in default are as follows:
- (i) This Stipulation is made under and pursuant to the following subsection of 11 U.S.C. § 362: _____.
- (j) Other facts which are relevant to this Stipulation are as follows:

3. Creditor agrees that in the event the Court grants the relief sought by this Stipulation, Creditor will seek foreclosure and liquidation of the above-described collateral in accordance with applicable non-bankruptcy law. Upon disposition of such collateral, Creditor shall account for all proceeds to the Court, and trustee if applicable, and agrees to turn over any proceeds in

excess of Creditor's allowed secured claim to the Court, or trustee if applicable.

WHEREFORE, the undersigned Creditor, Debtor(s) and trustee, if applicable, hereby stipulate that the Court may modify the stay in accordance with the terms of this Stipulation.

DATED this ____ day of _____, 20__.

Name of Creditor: _____

Creditor or Attorney for Creditor

Debtor(s) or Attorney for Debtor(s)

Trustee (if applicable)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Stipulation to Modify Stay** was sent by first class mail postage prepaid on the ____ day of _____, 20__, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. **There need be no Certificate of Mailing if all parties being served will be served electronically via the Court's CM/ECF system.**]

Mont. LBF 8-C. ORDER APPROVING STIPULATION AND MODIFYING STAY.
[Mont. LBR 4004-1(d)]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____
 _____)
 _____)
 Debtor(s).)

ORDER APPROVING STIPULATION AND MODIFYING STAY

At Butte in said District this _____ day of _____, 20____.

Pursuant to the Stipulation to Modify Stay filed herein on the ____ day of ____, 20____,

by and between the Debtor(s) and [name of creditor]; and good cause appearing therefore,

IT IS ORDERED that the subject Stipulation to Modify Stay is GRANTED.

BY THE COURT:

HON. _____
U.S. Bankruptcy Judge
United States Bankruptcy Court
District of Montana

Mont. LBF 9. DEBTOR'S CONSENT TO CREDITOR'S MOTION TO MODIFY STAY.

[Mont. LBR 4001-1(a)]

Name of Debtor/Attorney for Debtor

Office Mailing Address

E-mail Address

Telephone Number

Facsimile Number

State Bar I.D. Number [If an attorney]

Specific Identity of Party Represented (e.g., Attorney for _____) [If applicable]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____
)
)
Debtor(s).)

DEBTOR'S CONSENT TO CREDITOR'S MOTION TO MODIFY STAY

The undersigned Debtor(s) hereby consents to the Motion to Modify Stay filed herein by _____ (Creditor), dated the ____ day of _____, 20___. This Consent is given in accordance with Mont. LBR 4001-1(a).

DATED this ____ day of _____, 20__.

Debtor

Debtor

APPROVED:

Attorney for Debtor(s)

Mont. LBF 9-A. TRUSTEE’S CONSENT TO CREDITOR’S MOTION TO MODIFY STAY.

[Mont. LBR 4001-1(a)]

Name of Trustee
Office Mailing Address
E-mail Address
Telephone Number
Facsimile Number
State Bar I.D. Number [If an attorney]
(Trustee)

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re) Case No.
)
)
Debtor(s).)

TRUSTEE’S CONSENT TO CREDITOR’S MOTION TO MODIFY STAY

The undersigned trustee hereby consents to the Motion to Modify Stay filed herein by
_____ (Creditor), dated the ____ day of _____, 20____. This consent is
given in accordance with Mont. LBR 4001-1(a).

DATED this ____ day of _____, 20____.

Trustee

Mont. LBF 10. NOTICE OF CONVERSION TO CHAPTER 7.

[Mont. LBR 1017-1(a)(4)]

Name of Attorney

Office Mailing Address

E-mail Address

Telephone Number

Facsimile Number

State Bar I.D. Number

(Attorney for Debtor)

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

)

Case No.

)

)

Debtor(s).

)

NOTICE OF CONVERSION TO CHAPTER 7

The Debtor hereby converts [his/her/its] Chapter [12/13] case to a case under Chapter 7.

DATED this ____ day of _____, 20__.

[Name of attorney]

(Attorney for _____)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing Notice of Conversion to Chapter 7 was sent by first class mail postage prepaid on the ____ day of _____, 20__, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[All creditors and any parties in interest requesting special notice should be served with this Notice.]

Mont. LBF 11. NOTICE OF TRUSTEE'S INTENT TO ABANDON PROPERTY.

[Mont. LBR 6007-1]

Name of Trustee

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number [If an attorney]

(Trustee)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

NOTICE OF TRUSTEE'S INTENT TO ABANDON PROPERTY

To: The United States Trustee, Debtor(s), and Parties in Interest:

Notice pursuant to 11 U.S.C. § 554(a) is hereby given that the Trustee of the above-named

Debtor's estate intends to abandon the following property as burdensome and of inconsequential value to the estate:

<u>Description of Item</u>	<u>Scheduled or Estimated Value</u>	<u>Amount Secured or Exempt</u>	<u>Lienholder Name and Address</u>	<u>Estimated Liquidation Expenses</u>	<u>* Estimated Net Value to the Estate</u>
----------------------------	-------------------------------------	---------------------------------	------------------------------------	---------------------------------------	--

Reason for Abandonment: **

Objections to the above abandonment must be filed with the Court.

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to the notice, you must file a written responsive pleading and request a hearing within **ten (10) days** of the date of the notice. The objecting party shall schedule the hearing **on the objection to the abandonment at least twenty (20) days after the date of the response and request for hearing** and shall include in the caption of the responsive pleading **in bold and conspicuous print** the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the request for abandonment as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

Dated this ____ day of _____, 20__.

Trustee

* Enter zero (**\$0.00**) if the estimated expenses and/or amount of secured interests exceed the actual or estimated value of the property.

** Explain all entries in the last column if zero (**\$0.00**) was not entered.

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Notice of Trustee's Intent to Abandon Property** was sent by first class mail postage prepaid on the ____ day of _____, 20__, at _____, Montana, and directed to the following:

[Insert the name and address of each

individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. This Notice should be also be served upon all creditors, and all committees elected pursuant to 11 U.S.C. § 705 or appointed pursuant to 11 U.S.C. § 1102.]

**Mont. LBF 12. NOTIFICATION BY U.S. TRUSTEE OF DEBTOR'S PAYMENT OF
QUARTERLY FEES.**

[Mont. LBR 3020-1]

Name of Attorney
Office Mailing Address
Telephone Number
Facsimile Number
E-Mail Address
State Bar I.D. Number
(Attorney for United States Trustee)

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re)	Case No.
)	
)	
Debtor(s).)	

**NOTIFICATION BY OFFICE OF UNITED STATES TRUSTEE
OF DEBTOR'S PAYMENT OF QUARTERLY FEES**

The U. S. Trustee hereby notifies the Court, pursuant to Mont. LBR 3020-1, that the above-named Debtor has paid all fees due under 28 U.S.C. § 1930(a)(6), or has provided in its plan that such fees will be paid on or before the effective date of such Plan, as required by 11 U.S.C. § 1129(a)(12).

DATED this ____ day of _____, 20 ____.

[Name of Attorney]
(Attorney for United States Trustee)

Mont. LBF 12-A. NOTICE OF DELINQUENT MONTHLY OPERATING REPORT.

[Mont. LBR 2015-2]

Name of Attorney
Office Mailing Address
Telephone Number
Facsimile Number
E-Mail Address
State Bar I.D. Number
(Attorney for United States Trustee)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

NOTICE OF DELINQUENT MONTHLY OPERATING REPORT

The U. S. Trustee hereby notifies the Court, pursuant to Mont. LBR 2015-2, that the

above-named Debtor in Possession has not filed its Monthly Operating Report for the month of

, 20____, which was due to be filed on the 15th day of _____, 20____. Pursuant
to Mont. LBR 2015-2, the Court is requested to order the Debtor in Possession to show cause
why this case should not be dismissed or converted to Chapter 7.

DATED this _____ day of _____, 20____.

[Name of Attorney]
(Attorney for United States Trustee)

Mont. LBF 12-B. NOTICE OF DELINQUENT QUARTERLY FEES.

[Mont. LBR 3020-1]

Name of Attorney
Office Mailing Address
Telephone Number
Facsimile Number
E-Mail Address
State Bar I.D. Number
(Attorney for United States Trustee)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

NOTICE OF DELINQUENT QUARTERLY FEES

The U. S. Trustee hereby notifies the Court, pursuant to Mont. LBR 3020-1, that the above-named Debtor in Possession has not paid its quarterly fees for the _____ quarter of 20____, which became due and payable under 28 U.S.C. § 1930(a)(6) on the _____ day of _____, 20____. Pursuant to Mont. LBR 3020-1, the Court is requested to order the Debtor in Possession to show cause why this case should not be dismissed or converted to Chapter 7.

DATED this _____ day of _____, 20____.

[Name of Attorney]
(Attorney for United States Trustee)

**Mont. LBF 13. MOTION FOR FINAL DECREE IN CHAPTER 11 CASE; AND
NOTICE.**

[Mont. LBR 3022-1 and 9013-1(g)(2)(MM)]

Name of Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

Specific Identity of Party Represented (e.g., Attorney for _____)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____
)
)
Debtor(s).)

MOTION FOR FINAL DECREE IN CHAPTER 11 CASE; **AND NOTICE**

The above-named Debtor(s), **acting through counsel**, respectfully moves
the Court to enter a Final Decree in the above-entitled case, pursuant to 11 U.S.C. § 350 and
Rule 3022, F.R.B.P.. The undersigned represents to the Court the following:

1. The Order confirming the Plan has become final;
2. Any deposits required by the Plan have been distributed;
3. Any property proposed by the Plan to be transferred has been transferred;
4. The Debtor or successor of the Debtor under the Plan has assumed the business or the management of the property dealt with by the Plan;
5. The payments under the Plan have commenced; and
6. All motions, contested matters, and adversary proceedings have been finally resolved.
7. **All Monthly Operating Reports due through this date have been prepared, properly executed and filed with the Court.**

8. All quarterly fees due to the U.S. Trustee pursuant to 28 U.S.C. § 1930(a)(6) have been paid in full.

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least twenty (20) days after the date of the response and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no response and request for hearing are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this ____ day of _____, 20__.

[Name of attorney]

(Attorney for _____)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing Motion for Final Decree in Chapter 11 Case and Notice was sent by first class mail postage prepaid on the ____ day of _____, 20__, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. All creditors and any parties requesting special notice should also be served with this Motion.]

Mont. LBF 14. CHAPTER 12 PLAN.

[Mont. LBRs 2002-1(b) and 9009-4(a)]

Name of Attorney
Office Mailing Address
Telephone Number
Facsimile Number
E-Mail Address
State Bar I.D. Number
(Attorney for Debtor)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re)	Case No.
)	
)	
Debtor(s).)	

CHAPTER 12 PLAN

1. The future earnings and projected disposable income of the Debtor(s) are submitted to the supervision and control of the Court, and the Debtor(s) shall pay to the trustee (state amount and frequency of payments, and payment dates) the sum of \$ _____, according to the attached exhibit of income and expenses.

2. From the payments so received, the trustee shall make disbursements as follows:

(a) Allowed claims of administration required by 11 U.S.C. § 507(a)(1).

(b) Payments to secured creditors whose claims are duly proven and allowed as follows:

<u>Name of Creditor</u>	<u>Value of Security</u>	<u>Payment (Amount and Frequency)</u>	<u>Interest</u>
-------------------------	--------------------------	---------------------------------------	-----------------

(The allowed claim of each of the creditors listed above shall be allowed as a secured claim in the amount of the value of the security and will be paid in installments as shown until the allowed secured claim together with interest upon the unpaid balance at the rate stated above has been paid. Secured creditors shall retain their liens and priority until their allowed secured claims have been paid. In order for any unsecured deficiency to be allowed and paid under paragraph 2.(d) below, a timely proof of claim must be filed pursuant to Montana's Local Bankruptcy Rules.)

(c) Debts entitled to priority under and in the order prescribed by 11 U.S.C. § 507.

(d) From the disposable income **remaining** after the above payments, dividends to unsecured creditors whose claims are fully proven and allowed as follows: (If less than 100% of unsecured claims are to be paid, state that unsecured creditors will receive the greater of all of the Debtor's disposable income during the term of the plan pursuant to 11 U.S.C. § 1225(b)(1)(B), or the liquidation value of the Debtor's non-exempt assets pursuant to 11 U.S.C. § 1225(a)(4).)

3. The following executory contracts and leases of the Debtor(s) are rejected, the Debtor(s) shall surrender any collateral, and any allowed unsecured claim for damages resulting from such rejection shall be paid under paragraph 2.(d) above: _____

4. The secured property described below will be surrendered to the following named creditors, and any allowed unsecured claim resulting from such surrender shall be paid under paragraph 2.(d) above: _____

5. The following creditors' claims are fully secured, shall be paid directly by the Debtor(s) pursuant to the original contract terms, and shall receive no payments under paragraph 2. of this Plan: _____

6. The property described below is to be sold (state the offering price, and whether it will

be offered through a broker; and if so, who; and state the date by which it will be sold and what will occur if it is not timely sold), all offers received by the Debtor(s) shall be promptly communicated to the trustee and any lienholders, and no sale of such property shall be completed without notice to the trustee and any lienholders and an opportunity provided for a hearing on such sale: _____

7. Interest on all unsecured claims shall have ceased on the date this case was filed. All allowed unsecured claims of \$25.00 or less may be paid in advance of other allowed unsecured claims.

8. Except as provided in this plan or in the order confirming this plan, upon confirmation of this plan all of the property of the estate shall vest in the Debtor(s) free and clear of any claim or interest of any creditor provided for by this plan, pursuant to 11 U.S.C. § 1227.

9. In accordance with 11 U.S.C. § 1229, the Court may, from time to time, during the term of this plan, increase or reduce the amount of any of the installment payments provided for by this plan, or extend or shorten the time for any such payments, where it appears, after motion and hearing upon such notice as the Court may deem appropriate, that the Debtor's change in circumstances so warrants or requires.

DATED this ____ day of _____, 20__.

Debtor

Debtor

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing Chapter 12 Plan was sent by first class mail postage prepaid on the ____ day of _____, 20 __, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. All creditors and any parties requesting special notice should be served with this Plan.]

Mont. LBF 15. MOTION FOR RULE 2004 EXAMINATION.

[Mont. LBR 2004-1]

Name of Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

Specific Identity of Party Represented (e.g., Attorney for _____)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re)	Case No.
)	
)	
Debtor(s).)	

MOTION FOR RULE 2004 EXAMINATION

Pursuant to Rule 2004, F.R.B.P., the undersigned respectfully requests the Court to order an examination as follows:

1. Witness to be examined:
2. Date:
3. Time:
4. Place:
5. Scope of examination:
6. Documents to be produced:
7. Time, Date and Place of Production (if different from examination):
8. Moving Party's Calculation of Mileage pursuant to F.R.B.P. 2004(e):

9. The undersigned has contacted opposing counsel, _____, who advises that [he/she] [does/does not] oppose this Motion and [will/will not] agree to produce the documents described herein without a subpoena duces tecum pursuant to F.R.B.P. 9016.

DATED this ____ day of _____, 20__.

[Name of attorney]
(Attorney for _____)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Motion for Rule 2004 Examination** was sent by first class mail postage prepaid on the ____ day of _____, 20__, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. **There need be no Certificate of Mailing if all parties being served will be served electronically via the Court’s CM/ECF system. Only the affected persons or entities, and/or their attorneys, if represented by counsel, need to be served with this Motion.**]

Mont. LBF 16. ORDER FOR RULE 2004 EXAMINATION.

[Mont. LBR 2004-1]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____
)
)
)
Debtor(s).)

ORDER FOR RULE 2004 EXAMINATION

Pursuant to the Motion for Rule 2004 Examination filed herein by _____,
it appearing that said examination is authorized by Rule 2004, F.R.B.P., and good cause
appearing therefore:

IT IS HEREBY ORDERED,

1. That _____ shall appear and be examined by the Moving Party at the time and place described in the Motion for 2004 Examination;
2. That _____ shall produce those documents for inspection and copying in connection with said examination held pursuant to Rule 2004, F.R.B.P., at the time and place described in the Motion for 2004 Examination;
3. That subpoenas duces tecum may be issued pursuant to Rule 9016, F.R.B.P., by the Clerk of the Bankruptcy Court; and
4. That the **Moving Party** send a copy of this Order to all parties in interest.

DATED this ____ day of _____, 20__.

BY THE COURT

HON. _____
U.S. Bankruptcy Judge
United States Bankruptcy Court

Mont. LBF 17. APPLICATION FOR PROFESSIONAL FEES AND COSTS.

[Mont. LBRs 2002-4 and 2016-1(a)]

Name of Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

Specific Identity of Party Represented (e.g., Attorney for _____)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____
)
)
)
Debtor(s).)

* APPLICATION FOR PROFESSIONAL FEES AND COSTS
(* Indicate Whether Interim or Final Application)

The undersigned professional hereby makes application for approval of an award of fees in the amount of \$_____ and costs in the amount of \$_____, and in support of this application respectfully represents:

1. This case was commenced on _____.
2. Applicant filed an application for appointment as _____ (describe profession) for _____ (describe identity of party represented; e.g., estate/debtor in possession/committee of unsecured creditors) on _____.
3. An order appointing applicant was entered by the Court on _____.

4. Professional services were commenced on _____.

5. This application is the _____ (1st, 2nd, etc.) application filed by applicant in this proceeding, and the following is a complete schedule of all prior applications submitted to the Court for approval:

<u>Date Filed</u>	<u>Amount Requested</u>	<u>Date Approved</u>	<u>Amount Approved</u>
-------------------	-------------------------	----------------------	------------------------

Total Amount Previously Approved: \$ _____

6. To date, applicant has received as compensation the following amounts from the following sources:

<u>Date Received</u>	<u>Amount Received</u>	<u>Source of Payment</u>
----------------------	------------------------	--------------------------

Total Amount Received: \$ _____

7. This application is based on the performance of professional services by the following individuals at the rates and for the number of hours described below:

<u>Individual</u>	<u>Total Hours</u>	<u>Hourly Rate</u>	<u>Compensation</u>
-------------------	--------------------	--------------------	---------------------

Total Compensation Requested: \$ _____

8. The compensation requested is based on the customary compensation charged by comparably skilled practitioners in cases other than cases under the Bankruptcy Code. (If not, state the reason for any deviation from such standard.)

9. Applicant certifies that none of the compensation or reimbursement for costs applied

for in this application will be shared with any entity in violation of 11 U.S.C. § 504.

10. Attached are complete time records detailing each service performed by date, description, and the number of hours expended, under the appropriate project categories (if applicable under Mont. LBR 2016-1), for which compensation is requested.

11. Attached is a complete accounting for all costs incurred for which reimbursement is requested.

12. The amount of costs were computed utilizing the following methods of allocation:

(Example)
(Copies are charged at the rate of \$.10 each.)
(Long distance calls are charged at actual cost.)
(Mileage is charged at federal allowed per mile rate.)

13. In addition to the payments already received, applicant has been promised the following payment for services in connection with this case:

<u>Amount Promised</u>	<u>Identity of Promisor</u>	<u>Conditions/Terms</u>
------------------------	-----------------------------	-------------------------

14. Case Status: (Insert relevant information required by Section II.B of the United States Trustee Guidelines, as set forth in the Appendix to the Montana Local Bankruptcy Rules.)

15. _____ (Name of person on whose behalf applicant is employed) has been given the opportunity to review this application and [approves/does not approve] the requested amount.

WHEREFORE, applicant prays that this Court enter an Order awarding applicant reasonable professional fees in the amount of \$_____ and reimbursement of costs and expenses in the amount of \$_____.

DATED this _____ day of _____, 20____.

[Name of attorney]
(Attorney for _____)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Application for Professional Fees and Costs** was sent by first class mail postage prepaid on the ____ day of _____, 20____, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. Pursuant to Rule 2002(a)(6), F.R.B.P., notice of a hearing on an **Application seeking compensation or reimbursement of expenses exceeding \$1,000 should also be served upon the debtor, all creditors, any committee, and other parties in interest requesting special notice. Mont. LBR 2002-4 requires the service of a Notice of Application for Professional Fees and Costs (Mont. LBF30) upon all creditors, committees, and other parties in interest requesting special notice, disclosing that the applicant has filed an Application for Professional Fees and Costs, when the amount of such fees and costs exceeds \$1,000.]**

Mont. LBF 18. NOTICE OF APPLICATION FOR PROFESSIONAL FEES AND COSTS.
[Mont. LBRs 2002-4 and 2016-1(a)]

Name of Attorney
Office Mailing Address
Telephone Number
Facsimile Number
E-Mail Address
State Bar I.D. Number
Specific Identity of Party Represented (e.g., Attorney for _____)

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re: _____) Case No. _____
)
)
Debtor(s).)

NOTICE OF APPLICATION FOR PROFESSIONAL FEES AND COSTS

NOTICE IS HEREBY GIVEN that _____
has submitted to the U.S. Bankruptcy Court for the District of Montana an application for
professional fees in the amount of \$ _____ and costs in the amount of \$ _____.
The proponent shall provide a copy of the application to any party requesting a copy, at
no cost, within five (5) days of the request.

DATED this ____ day of _____, 20 ____.

(Attorney/Professional)

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to the application, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the notice. The responding party shall schedule the hearing on the application at least **twenty** (20) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading **in bold and conspicuous print** the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no response and request for hearing are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

[The Notice was moved to the end of this pleading.]

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Notice of Application for Professional Fees and Costs** was sent by first class mail postage prepaid on the ____ day of _____, 20 ____, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. Pursuant to Rule 2002(a)(6), F.R.B.P., notice of a hearing on an Application seeking compensation or reimbursement of expenses exceeding \$1,000 should also be served upon the debtor, all creditors, any committee, and other parties in interest requesting special notice. Mont. LBR 2002-4 requires the service of a Notice of Application for Professional Fees and Costs (Mont. LBF30) upon all creditors, committees, and other parties in interest requesting special notice, disclosing that the applicant has filed an Application for Professional Fees and Costs, when the amount of such fees and costs exceeds \$1,000.]

Mont. LBF 19. CHAPTER 13 PLAN.

[Mont. LBR 2002-1(b) and 9009-4(b)]

Name of Attorney
Office Mailing Address
Telephone Number
Facsimile Number
E-Mail Address
State Bar I.D. Number
(Attorney for Debtor(s))

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re)	Case No.
)	
)	
Debtor(s).)	

CHAPTER 13 PLAN (DATED _____)

1. The future earnings and other income of the Debtor(s) are submitted to the supervision and control of the Chapter 13 Standing Trustee as necessary for the execution of this Plan, and Debtor(s) shall pay to the Trustee the sum of \$_____ each month for a term of _____

months, or until all of the provisions of this Plan have been completed. Plan payments shall commence within thirty (30) days following the filing of the Plan. The Debtor(s) shall make payments directly to the Trustee until [his/her/their] wage deductions begin.

2. From the payments so received, the Trustee shall make disbursements as follows:

(a) **ADMINISTRATIVE CLAIMS.** The Trustee shall pay those claims, fees or charges specified in 11 U.S.C. § 507(a)(2), including the Debtor's attorney fees and costs in such amount as may be allowed by the Court.

(b) **IMPAIRED SECURED CLAIMS.** After the payments provided for above, the Trustee shall pay allowed secured claims, as determined pursuant to 11 U.S.C. § 506(a), together with interest at the rate set forth below from the date of confirmation, on a pro rata basis, as follows:

<u>Name of Creditor</u>	<u>Claim Number</u>	<u>Allowed Secured Claim *</u>	<u>Rate of Interest</u>
-------------------------	---------------------	--------------------------------	-------------------------

[* This figure is the lesser of the total amount of the debt owing to the creditor or the value of the collateral securing said debt.]

Secured creditors shall retain their liens as provided by 11 U.S.C. § 1325(a)(5)(B). In order for any unsecured deficiency to be allowed and paid, a proof of claim must be filed pursuant to Montana's Local Bankruptcy Rules.

(c) **UNIMPAIRED SECURED CLAIMS.** The following secured creditors, whose claims will be left unimpaired by this Plan, are not provided for by this Plan and shall receive no payments through the Trustee except with regard to those arrearages specified below, if any:

<u>Name of Creditor</u>	<u>Description of Collateral</u>
-------------------------	----------------------------------

Concurrently with the payments on impaired secured claims specified above, the following arrearages on unimpaired secured claims, if any, shall be paid through the

Trustee on a pro rata basis until the same have been paid in full:

Name of Creditor

Amount of Arrearage

Upon completion of the Plan, all prepetition arrearages provided for by this Plan shall be deemed current.

(d) DOMESTIC SUPPORT OBLIGATIONS. After the payments provided for above, the Trustee shall pay all allowed prepetition domestic support obligations. Such allowed claims for prepetition domestic support obligations shall be paid in full under this Plan, without interest (unless otherwise provided).

Creditor

Complete Address

Claim Amount

(e) PRIORITY CLAIMS. After the payments provided for above, the Trustee shall pay allowed claims entitled to priority in such order as specified in 11 U.S.C. § 507.

(f) GENERAL UNSECURED CLAIMS. After the payments provided for above, the Trustee shall pay dividends, to the extent possible, to allowed unsecured, nonpriority claims on a pro rata basis.

(g) LIQUIDATION ANALYSIS. The total amount distributed under paragraphs 2.(e) and (f) above will be at least \$_____, which exceeds what would be available to pay unsecured claims if the Debtor's estate was liquidated under Chapter 7 of the Bankruptcy Code. A discharge will not be entered by the Court until said sum has been distributed, or until all allowed unsecured claims have been paid in full, whichever is less.

3. REJECTION OF CONTRACTS OR LEASES. The Debtor(s) rejects the following executory contracts and unexpired leases, and shall surrender property subject to such contracts or leases:

Type of Agreement

Date of Agreement

Other Party to Contract

All other executory contracts and unexpired leases shall be affirmed.

4. **SURRENDER OF PROPERTY.** The Debtor(s) surrenders any and all interest in the following described collateral to the stated secured creditor in full satisfaction of the creditor's allowed secured claim. In order for any unsecured deficiency to be allowed and paid under this Plan, a proof of claim must be filed pursuant to Montana's Local Bankruptcy Rules.

Secured Creditor	Description of Collateral
------------------	---------------------------

5. **POSTPETITION SECURED DEBT:** The Debtor(s) reserves the right to incur postpetition secured debts, upon prior written approval of the Trustee, for items necessary to Debtor(s) performance under this Plan.

6. **REPORT OF CHANGES IN INCOME:** The Debtor(s) shall commit all projected disposable income to the Plan for the applicable commitment period and shall immediately report any changes in income to the Trustee.

7. **OTHER PROVISIONS:**

8. **DECLARATIONS:** Under penalty of perjury, Debtor(s) affirms that all federal and state income, employment and other tax returns due as of the date of this plan have been filed with the appropriate agency, and that all postpetition payments due on all domestic support obligations have been paid through the date of this Plan.

9. **PREVIOUS BANKRUPTCIES:** Under penalty of perjury, Debtor(s) declare that they have not received a discharge in a previous bankruptcy case that would cause them to be ineligible to receive a discharge in the above-entitled case under 11 U.S.C. § 1328(f).

DATED this ____ day of _____, 20 ____.

Debtor

Debtor

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing Chapter 13 Plan (Dated _____) was sent by first class mail postage prepaid on the ____ day of _____, 20 ____, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. All creditors and any parties requesting special notice should be served with this Plan.]

**Mont. LBF 20. MOTION FOR LEAVE TO FILE ALTERNATE FORM OF CHAPTER
13 PLAN.**

[Mont. LBR 9009-4(b)]

Name of Trustee/Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

Specific Identity of Party Represented (e.g., Attorney for _____)

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

)
)
)

Case No.

Debtor(s).)

MOTION FOR LEAVE TO FILE ALTERNATE FORM OF CHAPTER 13 PLAN

The undersigned respectfully moves the Court for leave to file an alternate form of Chapter 13 Plan than that required by Mont. LBR 9009-4(b) and set forth in Mont. LBF 19.

The reasons for this request are as follows:

WHEREFORE, the Court is requested to allow the above-named Debtor(s) to file an alternate form of Chapter 13 Plan.

DATED this ____ day of _____, 20 ____.

[Name of attorney]
(Attorney for _____)

**Mont. LBF 20-A. ORDER GRANTING LEAVE TO FILE ALTERNATE FORM OF
CHAPTER 13 PLAN.**

[Mont. LBR 9009-4(b)]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
)
Debtor(s).)

ORDER GRANTING LEAVE TO FILE ALTERNATE FORM OF CHAPTER 13 PLAN

Pursuant to the Motion for Leave to File Alternate Form of Chapter 13 Plan filed herein
by the Debtor(s), and good cause appearing therefore,

IT IS HEREBY ORDERED, that the Debtor(s) motion is granted and the Debtor(s) may
file an alternate form of Chapter 13 Plan than that required by Mont. LBR 9009-4.

DATED this ____ day of _____, 20__.

BY THE COURT

HON. _____
U.S. Bankruptcy Judge
United States Bankruptcy Court
District of Montana

**Mont. LBF 21. NOTICE OF LATE FILED CLAIM; AND NOTICE OF OPPORTUNITY
FOR HEARING.**

[Mont. LBR 3002-1]

Name of Trustee
Office Mailing Address
Telephone Number
Facsimile Number
E-Mail Address
State Bar I.D. Number [If an attorney]
(Trustee)

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re) Case No.
)
)
Debtor(s).)

NOTICE OF LATE FILED CLAIM; AND NOTICE OF OPPORTUNITY FOR HEARING

TO: **[Name of creditor]**

PROOF OF CLAIM NO.: **[Claims register number]**

The undersigned Chapter [12/13] Standing Trustee provides this notice pursuant to Montana Local Bankruptcy Rule 3002-1 that the proof of claim you filed in the above-entitled case was filed late, after the expiration of the bar date for filing claims fixed by the Court in the "Notice of Commencement of Case" previously sent to all creditors and other parties in interest in this case.

Bar Date Fixed By Court: _____

Date Proof of Claim Filed: _____

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

Because your Proof of Claim was filed late, Mont. LBR 3002-1 provides that such claim shall be deemed disallowed, without formal objection or hearing, unless you file a

response and request a hearing within ten (10) days of the date of this notice.

If you respond, then you shall notice the contested matter for hearing pursuant to Mont. LBR 9013-1 and shall schedule the hearing on the objection and response at least twenty (20) days after the date of the your response and request for hearing, **and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:**

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If you fail to file a written response to the objection to the late filed claim within ten (10) days of the date of the notice, the failure to respond shall be deemed an admission that the objection should be sustained by the Court without further notice or hearing.

DATED this ____ day of _____, 20 ____.

Chapter 12/13 Standing Trustee

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Notice of Late Filed Claim, and Notice of Opportunity for Hearing** was sent by first class mail postage prepaid on the ____ day of _____, 20____, at _____, Montana, and directed to the following:

[Insert the name and address of the late filing creditor, as well as the Debtor and the Debtor's counsel.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed "under penalty of perjury" and by identifying the document served. **There need be no Certificate of Mailing if all parties being served will be served**

electronically via the Court's CM/ECF system. Only the affected late filing creditor, or its counsel, need also be served with this Notice.]

Mont. LBF 22. MOTION FOR VALUATION OF SECURITY; AND NOTICE.

[Mont. LBR 3012-1]

Name of Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

Specific Identity of Party Represented (e.g., Attorney for _____)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re: _____) Case No.
_____))
_____))
Debtor(s). _____)

MOTION FOR VALUATION OF SECURITY; AND NOTICE

Pursuant to Rule 3012, F.R.B.P., and Mont. LBR 3012-1, the undersigned respectfully moves the Court to determine the value of the following claim secured by a lien on property of the Debtor's estate. For purposes of the Debtor's plan, the undersigned alleges that the **allowed amount** of the following **-named** creditor's secured claim **should be fixed** as stated below, because pursuant to 11 U.S.C. § 506(a) secured claims are to be valued and allowed as secured to the extent of the value of the collateral.

Name of Creditor: _____

Value of collateral as alleged by Debtor(s): _____

Description of collateral at issue: _____

Creditor's proof of claim number as set forth on the Claims Register: _____

WHEREFORE, the undersigned moves the Court to fix the value of the above-named creditor's collateral and, therefore, the amount of its **allowed** secured claim, in the amount alleged above.

DATED this ____ day of _____, 20__.

[Name of attorney]
(Attorney for _____)

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least **twenty** (20) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading **in bold and conspicuous print** the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this ____ day of _____, 20__.

[Name of attorney]
(Attorney for _____)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Motion for Valuation of Security, and Notice** was sent by first class mail postage prepaid on the ____ day of _____, 20 __, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. **There need be no Certificate of Mailing if all parties being served will be served electronically via the Court’s CM/ECF system. Only the affected secured creditor, or its counsel, need also be served with this Motion.**]

Mont. LBF 23. REQUEST FOR SPECIAL NOTICE.

[Mont. LBR 2002-2]

Name of Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

Specific Identity of Party Represented (e.g., Attorney for _____)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re)	Case No.
)	
)	
Debtor(s))	

REQUEST FOR SPECIAL NOTICE

Pursuant to Rule 2002(i) and (g), F.R.B.P., _____, a creditor/party in interest in the above-entitled bankruptcy case, hereby requests that all matters which must be noticed to creditors, any creditors' committees, and any other parties in interest, whether sent by the Court, the Debtors or any other party in the case, be sent or delivered to the undersigned; and pursuant to Rule 2002(g), that the following be added to the Court's **service list**:

Name of Attorney/Party in Interest

Address

E-Mail Address

Phone Number

Fax Number

Such notices shall include notices by mail, telephone, facsimile, or any other means of electronic transmission, and the notices requested shall include, but are not limited to, all notices relating to the matters set forth in Rule 2002; matters relating to any motion for the appointment of a trustee, or conversion or dismissal of the case; matters relating to the proposing or confirming of a plan; matters relating to adequate protection and the Debtor's obtaining of credit under 11 U.S.C. § 361 or 364; and matters relating to the use, sale or lease of property under 11 U.S.C. § 363, or the assumption or rejection of executory contracts or unexpired leases under 11 U.S.C. § 365.

DATED this ____ day of _____, 20__.

Attorney for ____/Party in Interest

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Request for Special Notice** was sent by first class mail postage prepaid on the ____ day of _____, 20__, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. **All creditors should also be served with this Request.**]

Mont. LBF 24. MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f); AND NOTICE.
[Mont. LBR 4003-4]

Name of Attorney
Office Mailing Address
Telephone Number
Facsimile Number
E-Mail Address
State Bar I.D. Number
(Attorney for Debtor(s))

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f); AND NOTICE

Pursuant to Rule 4003(d), F.R.B.P., and Mont. LBR 4003-4, the undersigned respectfully moves the Court to avoid the lien of _____ on property of the Debtor's estate pursuant to 11 U.S.C. § 522(f)(1) [(A) or (B)]. In support of its motion, the undersigned alleges as follows:

1. Name of creditor: _____

2. Type of lien: _____
[Judicial or nonpossessory, nonpurchase-money security interest]

(If judicial lien, set forth the cause number, title of the case, originating court, date of entry of judgment, and amount(s); and attach copies of judgment(s) or documents evidencing the lien.)

3. Description of property secured by the lien: _____

4. Market value of the Debtor's interest in the above-described property: \$ _____

5. Statute(s) under which Debtor claims property as exempt: _____

6. For purposes of 11 U.S.C. § 522(f)(2)(A):

(a) Amount of the lien: \$ _____

(b) Description of other creditors and amounts of all other liens on the property and the respective priority of each:

(c) Amount of exemption the Debtor could claim if no liens existed on the property:

WHEREFORE, the undersigned moves the Court to avoid the lien of the above-named Creditor pursuant to 11 U.S.C. § 522(f)(1) [(A) or (B)] on the ground that such lien impairs an exemption to which the Debtor is entitled under 11 U.S.C. § 522(b).

DATED this ____ day of _____, 20____.

Attorney for Debtor(s)

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least **twenty** (20) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading **in bold and conspicuous print** the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this ____ day of _____, 20 ____.

Attorney for Debtor(s)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Motion to Avoid Lien Under 11 U.S.C. § 522(f), and Notice** was sent by first class mail postage prepaid on the ____ day of _____, 20____, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. **There need be no Certificate of Mailing if all parties being served will be served electronically via the Court’s CM/ECF system. Only the affected creditor, or its counsel, need also be served with this Motion.**]

**Mont. LBF 25. MOTION TO ASSUME [REJECT] EXECUTORY CONTRACT [OR
UNEXPIRED LEASE]; AND NOTICE.**

[Mont. LBR 6006-1(a)]

Name of Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

Specific Identity of Party Represented (e.g., Attorney for _____)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____
)
)
)
Debtor(s).)

**MOTION TO ASSUME [REJECT] EXECUTORY CONTRACT
[OR UNEXPIRED LEASE]; AND NOTICE**

The Motion of _____ (hereinafter “Creditor”) respectfully represents:

1. The Debtor(s) filed a petition in this Court under chapter ____ of the Bankruptcy Code
on the ____ day of _____, 20__.

2. Creditor is the [seller/lessor/or otherwise] of property to the Debtor(s), and pursuant to
Mont. LBR 6006-1(a), provides the following information: [Attach copies of executory contract

or

unexpired lease, or refer to Proof of Claim or other location for such documents in the file.]

(a) The present balance owing to Creditor, excluding any precomputed interest or other unearned charges, is \$ _____. Additional charges claimed are \$ _____ (describe with specificity).

(b) The date upon which the subject debt was incurred: _____.

(c) Creditor is a [seller/lessor/or specify] of the following described property:

(d) A description of the property, including its location, is as follows:

(e) The fair market value of the property subject to the executory contract or unexpired lease is \$ _____.

(f) A description of, and the amounts due upon, any other interests which have priority over that of Creditor are as follows:

(g) If the Debtor is in default, the number of defaulted installments and the total amount in default are as follows:

(h) Provisions of Debtor's proposed cure [if applicable] are as follows:

(i) This Motion is made under and pursuant to the following subsection of 11 U.S.C. § 365: _____.

(j) Other facts which are relevant in determining whether relief should be granted are as follows:

WHEREFORE, the undersigned moves the Court to grant this Motion to Assume [Reject] Executory Contract [or Unexpired Lease] pursuant to 11 U.S.C. § 365 _____, and to grant such other relief as the Court may deem appropriate.

DATED this ____ day of _____, 20__.

[Name of attorney]
(Attorney for _____)

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least **twenty** (20) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading **in bold and conspicuous print** the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____
Time: _____
Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this _____ day of _____, 20__.

[Name of attorney]
(Attorney for _____)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Motion to Assume [Reject] Executory Contract [or Unexpired Lease], and Notice** was sent by first class mail postage prepaid on the ____ day of _____, 20__, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. There need be no Certificate of Mailing if all parties being served will be served electronically via the Court’s CM/ECF system. Only the affected creditor, or its counsel, and any parties in interest requesting special notice need also be served with this Motion; except that in a chapter 9 or 11 case, the Motion must also be served upon any committee appointed under the Code or its authorized agent, or, if no committee has been appointed, upon the creditors listed under Rule 1007(d), F.R.B.P.]

Mont. LBF 26. REQUEST FOR IN-PERSON HEARING.

[Mont. LBR 5074-1(a)]

Name of Trustee/Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

Specific Identity of Party Represented (e.g., Attorney for _____)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re)	Case No.
)	
)	
Debtor(s).)	

REQUEST FOR IN-PERSON HEARING

Pursuant to Mont. LBR 5074-1(a), the undersigned respectfully requests that the Court schedule and conduct the hearing or trial on [describe the matter in issue and the date set for the hearing or trial] in person. The undersigned asserts that good cause exists for the Court to

conduct the hearing in person for the following reason:

The undersigned has contacted or attempted to contact other affected parties to gain their consent to this request, and advises the Court regarding such contacts or attempts as follows:

WHEREFORE, the undersigned respectfully requests the Court to conduct the hearing or trial **scheduled for** _____ in person.

DATED this ____ day of _____, 20__.

[Name of attorney]
(Attorney for _____)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing Request for In-Person Hearing was sent by first class mail postage prepaid on the ____ day of _____, 20__, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. **There need be no Certificate of Mailing if all parties being served will be served electronically via the Court’s CM/ECF system. Only the persons affected by the subject hearing, or their counsel, need also be served with this Request.**]

Mont. LBF 27. MOTION TO DISMISS [CONVERT]; AND NOTICE.

[Mont. LBR 1017-1(a)]

Name of Trustee/Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

Specific Identity of Party Represented (e.g., Attorney for _____)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re: _____) Case No. _____
_____) _____
_____) _____
Debtor(s). _____)

MOTION TO DISMISS [CONVERT]; AND NOTICE

Pursuant to Rule 1017, F.R.B.P., and Mont. LBR 1017-1(a), the undersigned respectfully moves the Court to dismiss the above-entitled case [or convert the above-entitled case to a case under chapter ____]. The grounds for this motion are as follows:

DATED this ____ day of _____, 20__.

[Name of attorney]
(Attorney for _____)

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least **twenty** (20) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading **in bold and conspicuous print** the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this _____ day of _____, 20__.

[Name of attorney]
(Attorney for _____)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Motion to Dismiss [Convert], and Notice** was sent by first class mail postage prepaid on the ____ day of _____, 20__, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. **The Debtor and its counsel must be served with this motion, together with any parties requesting special notice..**]

Mont. LBF 28. OBJECTION TO PROOF OF CLAIM; AND NOTICE.

[Mont. LBR 3007-2]

Name of Trustee/Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

Specific Identity of Party Represented (e.g., Attorney for _____)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re: _____) Case No. _____
_____) _____
_____) _____
Debtor(s). _____)

OBJECTION TO PROOF OF CLAIM; AND NOTICE

Pursuant to **Rule 3007, F.R.B.P.**, and Mont. LBR 3007-2, the undersigned respectfully objects to the Proof of Claim filed in the above-entitled case by _____, which is claim number ____ on the Claims Register maintained by the Clerk of Court. The grounds for this objection are as follows:

[Perhaps list common grounds for objection and allow the objecting party to check the box, or specify under "other"?]

DATED this ____ day of _____, 20__.

[Name of attorney]
(Attorney for _____)

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within **thirty (30)** days of the date of the motion. The responding party shall schedule the hearing on the motion at least **thirty (30)** days after the date of the response and request for hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this ____ day of _____, 20__.

[Name of attorney]
(Attorney for _____)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Objection to Proof of Claim, and Notice** was sent by first class mail postage prepaid on the ____ day of _____, 20__, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. **There need be no Certificate of Mailing if all parties being served will be served electronically via the Court’s CM/ECF system. Only the affected creditor, or its counsel, need also be served with this Objection.**]

Mont. LBF 29. OBJECTION TO CLAIM OF EXEMPTION; AND NOTICE.

[Mont. LBR 4003-3]

Name of Trustee/Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

Specific Identity of Party Represented (e.g., Attorney for _____)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re: _____) Case No. _____
)
)
Debtor(s).)

OBJECTION TO CLAIM OF EXEMPTION; AND NOTICE

Pursuant to Rule 4003, F.R.B.P., and Mont. LBR 4003-3, the undersigned respectfully
objects to the Debtor's claim of exemption for the following described asset:

The grounds for this objection are as follows:

DATED this ____ day of _____, 20__.

[Name of attorney]
(Attorney for _____)

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least **twenty** (20) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading **in bold and conspicuous print** the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this ____ day of _____, 20 ____.

[Name of attorney]
(Attorney for _____)

CERTIFICATE OF MAILING

I, the undersigned, _____, do hereby certify under penalty of perjury that a copy of the within and foregoing **Objection to Claim of Exemption, and Notice** was sent by first class mail postage prepaid on the ____ day of _____, 20 ____, at _____, Montana, and directed to the following:

[Insert the name and address of each individual or entity served.]

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. **The Debtor and his or her counsel must be served with this objection.**]

Mont. LBF 30. NOTICE OF DOMESTIC SUPPORT OBLIGATION CLAIM.

[Mont. LBR 4002-1(e)]

Name of Attorney
Office Mailing Address
Telephone Number
Facsimile Number
E-Mail Address
State Bar I.D. Number
(Attorney for Debtor(s))

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re:) Case No.
)
)
)
Debtor(s).)

NOTICE OF DOMESTIC SUPPORT OBLIGATION

Pursuant to Mont. LBR 4002-1(e), the undersigned hereby provides notice of the
existence of a Domestic Support Obligation, as defined in 11 U.S.C. § 101(14A).

[Give name of the debtor which owes the DSO] believes that the following named person
alleges to be owed a Domestic Support Obligation (DSO):

Name of DSO Claimant _____
Address of DSO Claimant _____
Phone No. of DSO Claimant _____
Amount alleged to be owing \$ _____
Name and Address of State Agency, if any, that is assisting the DSO Claimant:

The Debtor [admits / disputes] the amount alleged to be owing.

DATED this _____ day of _____, 20____.

[Name of attorney]

(Attorney for)

Mont. LBF 31. SUPPLEMENTAL PERSONAL PROPERTY LIST.

[Mont. LBR 1007-1(i)]

Name of Attorney
Office Mailing Address
Telephone Number
Facsimile Number
E-Mail Address
State Bar I.D. Number
(Attorney for Debtor(s))

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

SUPPLEMENTAL PERSONAL PROPERTY LIST

1. Household Goods and Furnishings							
Exempt Amount	Qty	Fair Market Value	Description	Exempt Amount	Qty	Fair Market Value	Description
			Couch				Dressers
			Love Seat				Televisions
			Lamps				Stereos
			Tables				VCR/DVD Players
			Chairs				CD/VCR/DVD or Record Collections
			Beds				Barbeques

			Desks				Lawnmowers
			End Tables				Entertainment Center
			Other (Describe)				
			Other (Describe)				
			Other (Describe)				
			Other (Describe)				
3. Appliances							
Exempt Amount	Qty	Fair Market Value	Description	Exempt	Qty	Value	Description
			Refrigerator				Freezer
			Washer/Dryer				Dishwasher
			Microwave				Satellite Dish
			Trash Compactor				Range/Oven
			Other (Describe)				
			Other (Describe)				
			Other (Describe)				
			Misc. (Describe)				
4. Books, Pictures, Electronic Equipment, Collections/Art Objects:							
Exempt Amount	Qty	Fair Market Value	Description	Exempt	Qty	Value	Description
			Books				Sculptures
			Pictures				Knickknacks
			Coin/Stamp Collections				Fish Tank(s)
			Antiques				Paintings or Other Art Work
			Cameras/Video Equipment				Video Equipment
			Typewriters				Computer Equipment
			Binoculars				
			Other (Describe)				
			Other (Describe)				

			Other (Describe				
			Other (Describe)				
5. Wearing Apparel, Sports Equipment:							
Exempt Amount	Qty	Fair Market Value	Description	Exempt	Qty	Value	Description
			Men's Clothes				Jewelry (Men's) (Itemize Each Item)
			Women's Clothes				Jewelry (Women's) (Itemize Each Item)
			Children's Clothes				Jewelry (Children's) (Itemize Each Item)
			Gun (Describe, make, model & caliber)				
			Gun (Describe, make, model & caliber)				
			Gun (Describe, make, model & caliber)				
			Skis (Describe)				
			Boats (Describe, make, model & year)				
			Boat Motors (Describe, make, model & year)				
			Boat Trailer (Describe, make, model & year)				
			Snowmobile (Describe, make, model & year)				
			ATV (Describe, make, model & year)				
			Archery Equipment (Describe)				
			Bowling Equipment (Describe)				
			Golf Equipment (Describe)				
			Hiking/backpack (Describe)				
			Fishing Equipment (Describe)				
			Other (Describe)				
			Other (Describe)				
			Other (Describe				
			Other (Describe)				
6. Automobiles, Trucks, Trailers, Motorcycles, Farm Equipment:							
Exempt Amount	Qty	Fair Market Value	Description				

			Automobile (make, model, year)				
			Automobile (make, model, year)				
			Automobile (make, model, year)				
			Trailer (make, model, year)				
			Trailer (make, model, year)				
			Motorcycle (make, model, year)				
			Farm Equipment (make, model, year)				
			Farm Equipment (make, model, year)				
			Additional Equipment:				
			Additional Equipment:				
7. Animals							
Exempt Amount	Qty	Fair Market Value	Description	Exempt	Qty	Value	Description
			Cats				Horses
			Dogs				Birds
			Livestock (describe)				
			Other (describe)				
			Other (describe)				
8. Tools, Machinery & Implements							
Exempt Amount	Qty	Fair Market Value	Description				
			Hand tools (automotive, woodworking, etc.) (Including Trade Tools - And Itemize Each Item)				

			Power tools (chainsaw , compressors, welding, etc.) (Including Machinery & Equipment Used in a Trade or Business - And Itemize Each Item)
			Lawn/Garden Tools (Describe)
<p>9. <u>Personal Property</u> of other description (include such items as business inventory, patents, accounts receivables, inheritances, stocks and bonds, insurance policies (if any, cash surrender value) and any other personal property of any other kind or description not otherwise listed in the bankruptcy schedules, statement of financial affairs, or this inventory list</p>			
Exempt Amount	Qty	Fair Market Value	Other (Describe)
			Other (Describe)
			Other (Describe)

Mont. LBF 32. BANKRUPTCY INFORMATION SHEET.

[Mont. LBR 2003-1]

BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET GIVES YOU SOME GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.

WHEN YOU FILE BANKRUPTCY:

You can choose the kind of bankruptcy that best suits your needs:

Chapter 7 - A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the state where you live.

Chapter 13 - You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The Court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 - Like chapter 13, but it is only for family farmers.

Chapter 11 - This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the Court must approve a plan to repay your debts. There is no trustee unless the Judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have filed bankruptcy under another chapter, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?

One of the reasons people file is to get a "discharge." A discharge is a Court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for --

- most taxes;
- child support;
- alimony;
- most student loans;
- Court fines and criminal restitution; and

- personal injury caused by drunk driving or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed.
(Cont'd)

Also, if the Judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged.

The judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a Court order.

You can only receive a chapter 7 discharge once every six years. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

WHAT IS A REAFFIRMATION AGREEMENT?

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay the debt, you must sign and file a reaffirmation agreement with the Court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law.

Reaffirmation agreements --

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be cancelled anytime before the Court issues your discharge or within 60 days after the agreement is filed with the Court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the Court must hold a hearing to decide whether to approve the reaffirmation agreement. You must file the agreement with the Court and request a hearing. At the hearing, the court must find that the agreement is in your best interests and enter an order approving the agreement. The agreement will not be legally binding until the Court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgement against you.

IF YOU WANT MORE INFORMATION OR HAVE QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.

Mont. LBF 33. MATERIALS REQUIRED TO BE DELIVERED TO TRUSTEES PRIOR TO § 341(a) MEETINGS OF CREDITORS.

[Mont. LBR 2003-3 and 4002-1(f)]

Copies of the following documents and materials must be provided to the appropriate panel or standing trustees (and to the U.S. Trustee, if requested) at least ten (10) days prior to the first date scheduled for the § 341(a) meeting of creditors on each Debtor's case. If these materials are not provided, the trustee may continue the meeting of creditors until a later date, at which time the Debtor and Debtor's attorneys will be required to attend again in order to respond to inquiries related to such documents and materials; or, at the trustee's discretion, the trustee or U.S. Trustee may seek dismissal or conversion of a Debtor's case for failure to timely provide these documents and materials, or may seek an order compelling the debtor to provide such materials.

A copy of this Form must also be provided to the trustee, properly completed to reflect which documents and materials are being provided, and which are not being provided. An explanation is required for each document which is not provided indicating the reason for not providing the document (e.g., "n/a" if the item is not applicable to the debtor). Leave no blank items.

1. _____ **Tax Returns:** Copies of state and federal income tax returns (including all schedules) for the two years (or more, as requested by the trustee) prior to the bankruptcy filing; including returns for any corporation, partnership or other entity in which the debtor holds an interest
2. _____ **Documents for Real Property:** (Provide for each parcel; including those assets which the debtor transferred or surrendered within four years prior to filing bankruptcy, or which the debtor intends to transfer or surrender following the bankruptcy filing.)

Location of Property: _____

- _____ Trust Indenture, Contract for Deed or Mortgage
- _____ Proof of Perfection (e.g., proof of recording)
- _____ Notice of Purchaser's Interest (with proof of recording)
- _____ Homestead Declaration (with proof of recording)
- _____ Appraisal (or most recent year's county tax assessment statement)
- _____ Underlying Promissory Note
- _____ Underlying Deed
- _____ Copy of Survey (if applicable)

- _____ Loan Status (most recent month's loan statement)
- _____ Complete Legal Description (if not a street address)

3. _____ **Documents for Personal Property:** (Provide for each item of personal property which is pledged as collateral to secure a debt; including those assets which the debtor transferred or surrendered **within four years** prior to filing bankruptcy, or which the debtor intends to transfer or surrender following the bankruptcy filing.)

Description of Property: _____

- _____ Underlying Promissory Note
- _____ Security Agreement or Retail Installment Contract
- _____ Proof of Perfection (e.g., UCC-1, with proof of filing)
- _____ Loan Status (most recent month's loan statement)
- _____ Proof of Fair Market Value (if possible)
- _____ Appraisal (if any)

4. _____ **Vehicle and Other Titles or Registrations:** (Provide for each vehicle, trailer, ATV, motorcycle, RV, boat, jet ski, snowmobile, airplane, etc.)

- _____ Certificate of Title
- _____ Registration
- _____ Appraisal (or blue book valuation **or other Internet valuation**)
- _____ Loan Status (most recent month's loan statement)

5. _____ **Mobile Homes:**

- _____ Underlying Promissory Note **and Other Loan Documents**
- _____ Security Agreement
- _____ Certificate of Title
- _____ Homestead Declaration (with proof of recording)
- _____ Loan Status (most recent month's loan statement)

6. _____ **Life Insurance:** Proof of all insurance, and any cash value or loan documents

7. _____ **IRA or Pension Plans:** Most recent monthly or quarterly statements reflecting account balances; and copy of 401(k) or other plan, if applicable

8. _____ **Insurance Policies:** Copy of the declarations page for each policy (or copy of annual statement provided by the insurance company), proving that liability and/or general casualty insurance exists for the debtor's assets, **and setting forth the declared values of assets and any loan amounts**

9. _____ **Payment Advices:** Copies of all payment advices, wage or pay stubs, or other evidence of payment received by the debtor from any employer or from any other source within the six (6) month period before the filing of the petition, unless such payment advices have been filed with the Court (and, if income has fluctuated within the past six months, then proof of wages for six months)
10. _____ **Banking Information:** Copies of all bank, credit union, or other financial institution checking, savings, money market, mutual fund, brokerage and other depository and investment account statements, reflecting all account balances as of the month the debtor's case was filed
11. _____ **Stocks, Bonds, or Other Money Instruments:** Copies of all stocks, bonds, or other instruments which represent or can be converted to money
12. _____ **Business Information:** (For any debtor who operated a business of any kind within the six year period preceding the filing of the case)
- _____ Complete Listing of Most Recent Inventory
 - _____ Listing of All Business Assets (if not contained in Schedules)
 - _____ Copy of Most Recent Balance Sheet
 - _____ Copy of Most Recent Profit and Loss Statement
 - _____ Copies of All Loan Applications Provided to Anyone Within the Prior Two Years
 - _____ Copies of All Loan Documents (including most recent month's statements)
 - _____ Copies of Last Two Year's State and Federal Income Tax Returns
 - _____ Copy of Most Recent Accounts Receivable (including name, address, and amount of each receivable)
13. _____ **Divorce:** If the debtor has been divorced within two years prior to the bankruptcy filing, provide copies of the divorce decree and any marital settlement agreement
14. _____ **Loan Applications:** Copies of all loan applications submitted to any bank, credit union, other financial institution, wholesale or retail merchant, or any other entity within the last two years.

Debtor(s) affirm and declare under penalty of perjury that the above-listed documents which are being provided to their case trustee are true and correct copies of the respective documents, and that they have not been changed or altered in any manner.

DATED this _____ day of _____, 20_____.

Debtor

Debtor

[This form must be provided to the trustee, but need not be filed with the Court.]

[Mont. LBR 9013-1(i)]

In re _____) Case No. _____
 _____)
 _____)
 Debtor(s).)

At Butte in said District this day of , 20 .

In this Chapter bankruptcy, the [Debtor(s); trustee; name of creditor; etc.], as the

Movant(s), filed a _____ on [month, date], 20__.



As required by Mont. LBR 9013-1(d), the Movant's [motion; objection to exemption; etc.] provided a "NOTICE" provision which granted the opposing party ten (10) days to respond to the [motion; objection; etc.] and schedule the matter for hearing. The "NOTICE" provided that "[I]f no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted."

The ten day period has expired and [REDACTED] has not filed a response to the [REDACTED].

In accordance with the Notice provision attached to the Movant's _____, the failure of _____ to respond is deemed an admission that the Movant's _____ should be sustained without further notice or hearing. Accordingly,

IT IS ORDERED the Movant's _____ is [GRANTED; SUSTAINED; etc.],
and [describe the relief obtained by the Movant].

BY THE COURT:


HON. 
U.S. Bankruptcy Judge
United States Bankruptcy Court
District of Montana

[Mont. LBR 1007-1(h)]

In re _____) Case No. _____
 _____)
 _____)
 Debtor(s).)

ORDER

At Butte in said District this day of , 20 .

TO THE ABOVE NAMED DEBTOR(S):

YOU ARE HEREBY ORDERED as follows:

FILING TAX RETURNS: You are ordered to properly file all required income and other tax returns with the Federal Government (Internal Revenue Service), any state and other taxing authority, within the time limits provided by law. This order shall apply as to all tax years or other periods, which arise during the pendency of this case. This order also includes returns for the preceding calendar or tax year. Also be advised that this order includes returns for all prior years to periods for which returns were required but which were not filed before your bankruptcy case commenced.

COPIES OF TAX RETURNS TO TRUSTEE: You are further ordered to deliver, to your trustee in this case, signed photocopies of all tax returns which must be filed under and pursuant to the preceding paragraph.

DELIVERY OF REFUNDS: You are further ordered to turn over to your trustee in this case all income tax refunds. Now held or hereafter received by you while the case is open.

LOSS OF DISCHARGE AND OTHER SANCTIONS: A willful failure to obey this order (for example a failure to file required tax returns, failure to provide signed copies of all tax returns to your trustee, or failure to surrender and turnover refunds) may result in a loss of your right to a bankruptcy discharge of indebtedness, dismissal of your case without further notice to you and without hearing, and/or other possible sanctions.

All legal questions should be directed to an attorney.

Bernard F. McCarthy, Chief Clerk
U.S. Bankruptcy Court

c: Trustee, and Debtor(s) Attorney